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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/730,049	12/05/2000	Michael Lee Winburn	100.1003	7496

24253 7590 08/27/2004

JOEL I ROSENBLATT
445 11TH AVENUE
INDIALANTIC, FL 32903

EXAMINER

FIELDS, COURTNEY D

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 08/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/730,049

Applicant(s)

WINBURN, MICHAEL LEE

Examiner

Courtney D. Fields

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-31 are pending.

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(o) because they fail to contain suitable descriptive legends. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
-

Claim Objections

2. Claims 1 and 7 are objected to because of the following informalities:
Claim 1 element b, line 1 – "aid" should be "said", Claim 7 – element k, line 2 - "indica" should be "indicia". Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Moran (U.S. Patent No. 6, 647, 400). As per claims 1 and 18, Moran discloses a system for making an authentic backup file from an authorized protected data file comprising the steps of: means for translation of an authorized protected data file to an authentic backup file, camouflaged to hide its relationship to the authorized protected data file, and for storing the authentic backup file, means for producing an identifier from the authorized protected data file and for storing the identifier, means for producing a test identifier from a current protected data file for comparison with the identifier for determining if the current protected file is the same or is different from the authorized protected data file, and means responsive to the comparison for translating the authentic backup file to the authorized protected data file for restoring the authorized protected file in Column 7, lines 16-64, Column 8, lines 11-15, 32-49, Column 9, lines 1-9, 33-41, Column 12, lines 46-67, Column 21, lines 44-67, Column 22, lines 1-5.

Art Unit: 2137

As per claims 2,8,10,14,21 and 29, Moran discloses the claimed limitation wherein means responsive to the translation of the authorized protected data file, and for producing indicia representing the translation and for storing the indicia in a recovery address group in Column 7, lines 46-49, Column 9, lines 12-21.

As per claim 3, Moran discloses the claimed limitation wherein means for accessing the indicia from the recovery data group and means for using the indicia for translation of the authentic data file to the authorized protected data file in Column 29, lines 63-67, Column 30, lines 1-13.

As per claim 4, Moran discloses the claimed limitation wherein means for producing the identifier from at least one attribute of the authorized protected data file in Column 33, lines 64-67, Column 34, lines 1-3.

As per claim 5, Moran discloses the claimed limitation wherein at least one attribute is unique for the authorized protected data file in Column 34, lines 3-7.

As per claim 6, Moran discloses the claimed limitation wherein means responsive to the comparison for producing an indication of an unauthorized change to the authorized protected data file in Column 17, lines 28-38, Column 26, lines 12-45.

As per claim 7, Moran discloses the claimed limitation wherein means for translation includes means for compression or encrypting of the authorized protected data file and producing indicia representing the respective compression or encryption in Column 16, lines 26-39.

As per claim 9, Moran discloses the claimed limitation wherein means for translation includes means for creating a new file name or file location for the

Art Unit: 2137

authentic backup file and storing the new file name or location in a recovery address group in Column 11, lines 28-64.

As per claims 11,17,and 26, Moran discloses a system for restoring an authorized protected data file from an authentic backup file comprising the steps of: means for making an authentic backup file from an authorized protected data file, means for monitoring a current protected data file for a change in the current protected file and for making a new authentic backup file in response to an authorized change to the current protected data file, and means for monitoring including means for restoring the authorized protected data file with the authentic backup file in response to an unauthorized change to the current protected data file in Column 9, lines 33-46, Column 13, lines 12-22, Column 22, lines 32-67, Column 23, lines 1-34, Column 38, lines 26-29.

As per claims 12,16,19,23,27 and 31, Moran discloses the claimed limitation wherein means for making an authentic backup file includes means for camouflaging the identity of the authentic backup file by translation of the authorized protected data file in Column 36, lines 56-67, Column 37, lines 1-18.

As per claims 13,15,20,22,28 and 30, Moran discloses the claimed limitation wherein means for making an authentic backup file includes means for translating the authorized protected file to the authentic backup file and for producing indicia representing the translation in Column 31, lines 30-64.

As per claim 24, Moran discloses the claimed limitation wherein means for monitoring the current protected data file and producing the test identifier in response to a sensing time or an event in Column 37, lines 8-18.

Art Unit: 2137

As per claim 25, Moran discloses a system comprising: a data processor, an active memory, a static memory, an operating system for transferring data to or from the active memory, the data processor or the static memory, for data processing or storage, a program stored in the active or static memory, the data processor responsive to the program for translating an authorized protected data file into a camouflaged authentic backup file, the data processor responsive to the program for comparing the authorized protected data file with a current protected data file and producing an indication of a change in the current protected data file relative to the authorized protected data file, and the data processor responsive to the indication of a change for reconstructing the authorized protected data file from the camouflaged backup file and restoring the authorized protected data file in Column 5, lines 25-52, 61-67, Column 6, lines 1-11.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Trostle (U.S. Patent No. 5,919,257) discloses a networked workstation intrusion detection system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney D. Fields whose telephone number is 703-305-8293. The examiner can normally be reached on Mon - Wed. 6:00 - 6:00 pm; Thur. 6:00 - 10 am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 703-306-3036. The


Art Unit: 2137

fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


cdf

August 6, 2004


Andrew Caldwell